



METROPOLITAN
TRANSPORTATION
COMMISSION

Agenda Item: 4

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Memorandum

TO: Administration Committee

DATE: May 7, 2014

FR: General Counsel

W. I. 1151

RE: Legal Services Bench: Law Firms Pre-Qualified to Provide Legal Services to MTC, BATA, MTC SAFE, BAIFA, BAHA and RAFC through FY 2017-18. (\$300,000 per year)

- i. *Best Best & Krieger LLP, Walnut Creek, CA*
- ii. *Glynn & Finley, LLP, Walnut Creek, CA*
- iii. *Hanson Bridgett LLP, San Francisco, CA*
- iv. *Meyers Nave, Oakland, CA*
- v. *Nossaman LLP, San Francisco, CA*
- vi. *Rosales Law Partners LLP, San Francisco, CA*
- vii. *Schiff Hardin LLP, San Francisco, CA*
- viii. *Woodruff, Spradlin & Smart PC, Costa Mesa, CA*

The Office of General Counsel requests the Committee's approval to create a bench of eight pre-qualified law firms identified above to provide legal services on an as-needed basis through June 30, 2018 in the following areas of practice, as specifically indicated in Attachment A: Public sector employment law; civil rights law; public sector law, including procurement, the Ralph M. Brown Act, and the California Public Records Act; environmental law, including NEPA and CEQA; construction law and California express lane development; transportation law; litigation and government contract claims; privacy and data security; intellectual property; and real estate transactions and commercial leasing.

Background

In 2010, MTC issued its first Request for Qualifications (RFQ) to establish an on-call bench of pre-qualified law firms to provide legal services in specialized areas of law to MTC, the MTC Service Authority for Freeways and Expressways (MTC SAFE) and the Bay Area Toll Authority (BATA). As a result of the RFQ, this Committee approved a bench of law firms, the contracts for which will expire on June 30, 2014. The bench has served as an important and valuable resource to supplement the expertise of the attorneys in the Office of General Counsel and we propose to install a new bench through today's proposed action. Subject to future budgetary approval processes, a maximum amount of \$300,000 will be allocated for all contracts (excluding litigation costs) in each of the four fiscal years covered by this procurement. Contracts will be awarded in accordance with agency contracting procedures.

Procurement Process

To establish a new bench, on March 11, 2014, MTC issued an RFQ to provide legal services on behalf of itself, MTC SAFE, BATA, the Bay Area Infrastructure Financing Authority (BAIFA), the Bay Area Headquarters Authority (BAHA), and the Regional Administrative Facility Corporation (RAFC). The RFQ established minimum qualifications, including requiring at least five years of firm experience in each area of law for which a firm expressed an interest in its Statement of Qualification (SOQ) and substantial experience representing government sector clients. MTC received SOQs from 17 law firms in response to the RFQ. One of the submissions did not meet the minimum qualifications because it did not have public sector experience. Another was deemed nonresponsive because it could not meet our agency insurance requirements. Three members of the Office of General Counsel served as the evaluation panel, reviewing the remaining 15 SOQs based on the following criteria, in descending order of relative importance: 1) qualifications and experience of attorneys who will be providing services in the areas of law to which the SOQ is directed, including relevant experience of the lead attorney and experience representing public agencies, especially public agencies involved in transportation matters; 2) depth and breadth of experience in relation to the subject matter for which the firm seeks to provide legal services; availability of qualified attorneys to work on multiple projects at the same time; and scope of services offered; and 3) hourly rates and cost effectiveness (including local presence of key personnel).

After reviewing the SOQs, the panel elected to interview 13 of the 15 firms. We are recommending eight firms for the pre-qualified legal services bench. These firms were highly rated based on the evaluation criteria and were best suited to our office's anticipated needs. Attachment A indicates the areas of practice in which each firm may be asked to provide legal support. Inclusion on the prequalified bench will not necessarily result in award of a contract.

Recommendation

The Office of General Counsel recommends that the Committee approve the list of law firms identified in this memorandum to serve as the pre-qualified legal services bench for the areas of practice indicated in Attachment A, available to provide assistance on an as-needed basis through FY 2017-18. Subject to future budgetary approval processes, a maximum amount of \$300,000 (excluding litigation costs) will be allocated in each of the four fiscal years covered by this procurement. Contracts will be awarded in accordance with our agency contracting procedures.


Adrienne D. Weil

AW:cs

Attachment A
Legal Services Bench Eligibility

	Best Best & Krieger LLP	Glynn & Finley, LLP	Hanson Bridgett LLP	Meyers Nave	Nossaman LLP	Rosales Law Partners LLP	Schiff Hardin LLP	Woodruff, Spradlin & Smart
Public sector employment law				X				
Civil rights law, including Title VI, Title VII, and the ADA		X	X			X		
Public sector law; Brown Act, CA Public Records Act, procurement & federal requirements	X		X	X				
Contracts and related transactional work		X	X					
Environmental law, including NEPA and CEQA								X
Construction law and California express lane development	X			Construction Only	X			
Transportation law	X		X		X			
Litigation and government contract claims		X	X				X	
Privacy and data security			X					
Intellectual Property			X					
Real estate transactions and commercial leasing							X	

REQUEST FOR COMMITTEE APPROVAL
Summary of Pre-Qualified Law Firm Bench

Work Item No.: 1151

Law Firms: Best Best & Krieger LLP, Walnut Creek, CA
Glynn & Finley, LLP, Walnut Creek, CA
Hanson Bridgett LLP, San Francisco, CA
Meyers Nave, Oakland, CA
Nossaman LLP, San Francisco, CA
Rosales Law Partners LLP, San Francisco, CA
Schiff Hardin LLP, San Francisco, CA
Woodruff, Spradlin & Smart PC, Costa Mesa, CA

Work Project Title: Pre-Qualified Law Firm Bench

Purpose of Project: To pre-qualify a list of law firms eligible through FY 2017-18 to provide legal services to MTC, MTC SAFE, BATA, BAIFA, BAHA and RAFC on an as-needed basis.

Brief Scope of Work: Provide legal services in the areas of practice as identified in the General Counsel's memorandum dated May 7, 2014, Attachment A.

Project Cost Not to Exceed: \$300,000 (not including litigation costs) per fiscal year for all contracts, subject to applicable contract procedures and future budget approvals.

Funding Source: General Fund

Fiscal Impact: \$300,000 to be included in MTC's proposed FY 2014-15 budget, subject to agency budgetary approval process. \$300,000 in each of the three fiscal years thereafter subject to agency budgetary approval process.

Motion by Committee: That the Committee approves a pre-qualified bench of law firms eligible to provide legal services to MTC, MTC SAFE, BATA, BAIFA, BAHA, and RAFC on an as-needed basis through FY 2017-18, as described above and in the General Counsel's memorandum dated May 7, 2014, subject to applicable contract approval procedures and necessary budget approvals.

Admin Committee Chair:

Adrienne J. Tissier

Approved: Date: May 14, 2014